

## REMARKS

Regarding the status of the present application, Claims 1, 11 and 17 have been amended, and Claims 1-19 are pending in this application. Reconsideration of this application is respectfully requested. A petition and fee for a one month extension of time is enclosed.

In the "Response to Arguments" section of the Office Action, the Examiner indicated that "Applicant's arguments filed 12/15/03 have been fully considered but they are not persuasive. The rejections of the claim is in regard to the lockable limitation not being clearly recited. The applicant is relying on this for patentability so all arguments are moot until the 112 issue is addressed." However, the Examiner did not specifically reject the pending Claims in the present Office Action under 35 U.S.C. § 112. Notwithstanding this, the pending Claims have been amended to more particularly point out and distinctly recite the subject matter defining the present invention and address the § 112 issues previously raised by the Examiner. In particular, the dual axis clamps have been defined in more detail. In view of the above amendments, it is respectfully submitted that independent Claims 1, 11 and 17 are clear and definite.

Claims 1-9, 11-15, and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,987,579 issued to Palenik, III. It is respectfully submitted that the amendments to independent Claims 1, 11 and 17 clearly distinguish them over the teachings of the Palenik, III patent.

In particular, independent Claims 1, 11 and 17 each essentially call for "a plurality of dual axis clamps" that each comprise "a single member having first and second substantially orthogonal slotted holes through which respective rods extend for clamping the respective rods" and that the "rods and clamps are rotatable and slidable relative to each other around and along substantially orthogonal axes defined by the slotted holes."

The Palenik, III patent does not disclose or suggest anything regarding clamps that comprise "substantially orthogonal slotted holes". The blocks disclosed in the Palenik, III patent do not include slotted holes. The terms "slot" and "slotted" are not used in the Palenik, III patent. Furthermore, there is no teaching or disclosure contained in the Palenik, III patent that would suggest modifying the blocks to have slotted holes. It is respectfully submitted that any assertion that the holes in the blocks could be slotted would necessarily distort and extend the express teachings of the Palenik, III patent beyond its scope, and entail the use of hindsight reconstruction based upon the teachings of the present application.

In view of the above, it is respectfully submitted that the Palenik, III patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Dependent Claims 2-9, 12-15, 18 and 19 are considered allowable over the Palenik, III patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1-9, 11-15, and 17-19 are respectfully requested.

Claims 1-9, 11-15, and 17-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited US Patent No. 4,253,649 issued to Hewson. The Hewson patent discloses a "tool comprising a first body, a shaft mounted to the first body and rotatable about

an axis extending through the first body and which is movable longitudinally with respect to the first body, a second body mounted to the shaft, and a clamp mounted to the second body and rotatable about an axis extending through the second body." (see Abstract, for example)

With reference to Figs. 1 and 2 of the Hewson patent, the rod clamps are made of multiple components including "bodies 21, 22, 23 and 24, each of which has a friction washer 25 secured thereto by spot welding, a through bore 26 and a clamping bore 27." (column 2, lines 27-29). Thus, it is clear that the rod clamps are not constructed as single members, but are made of multiple components including two bodies (21, 22, for example) having welded friction washers 25 and a rubber friction member 31 disposed between the friction washers 25. It is noted that each of the bodies 21, 22, 23 and 24 have orthogonal bores 26, 27 (shown in Fig. 2), but only one of the bores is used to secure a rod. The other bore has a bolt with attached wing nut disposed therethrough.

There is no teaching or disclosure contained in the Hewson patent that would suggest modifying the bodies to have two orthogonal slotted holes therein. Clearly, orientation of the respective rods (and the bores in which the rods are secured) is achieved by rotation of the respective bodies around the axis of the bolt and wing nut. It is respectfully submitted that any assertion that both holes in the bodies could be slotted would necessarily distort and extend the express teachings of the Hewson patent beyond its scope, and entail the use of hindsight reconstruction based upon the teachings of the present application.

Therefore, it is respectfully submitted that the Hewson patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Dependent Claims 2-9, 12-15, 18 and 19 are considered allowable over the Hewson patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1-9, 11-15, and 17-19 are respectfully requested.

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by newly cited US Patent No. Re 25,802 issued to Steffen. In general, the Steffen patent discloses "a work holder or appliance of the V-block and clamp type." (column 1, lines 20-22).

There is no disclosure or suggestion in the Steffen patent regarding a tool that provides for a "dual axis clamp comprising a single member having first and second substantially orthogonal slotted holes through which respective rods extend for clamping the respective rods, which rods and clamps are rotatable and slidable relative to each other around and along substantially orthogonal axes defined by the slotted holes" as is substantially recited in Claims 1, 11 and 17.

There is no disclosure or suggestion whatsoever in the Steffen patent regarding slotted holes that secure or retain rods. The terms "hole" and "slotted hole" are not used in the Steffen patent. Furthermore, there is no teaching or disclosure contained in the Steffen patent that would suggest modifying the work holder to have slotted holes. It is respectfully submitted that any assertion that the work holder could be modified to include slotted holes to hold a workpiece would necessarily distort and extend the express teachings of the Steffen patent

beyond its scope, and entail the use of hindsight reconstruction based upon the teachings of the present application.

Therefore, it is respectfully submitted that the Steffen patent does not disclose or suggest the inventions recited in Claims 1, 11 and 17. Dependent Claims 2-10, 12-16, 18 and 19 are considered allowable over the Steffen patent based upon their dependence from allowable Claims 1, 11 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 1-9, 11-15, and 17-19 are respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are clear and definite, and are not anticipated by, nor are they obvious in view of, the Palenik, III, Hewson or Steffen patents. Therefore, it is respectfully submitted that the pending Claims are allowable, and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



Kenneth W. Float  
Registration No. 29,233

The Law Offices of Kenneth W. Float  
2095 Hwy. 211 NW, # 2F  
Braselton, GA 30517  
Telephone: (949) 257-7964  
Facsimile: (770) 867-0082